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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,797	02/16/2005	Kim Simelius	915-006.049	6574

4955 7590 05/07/2007  
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EXAMINER
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LEE JR, KENNETH B

ART UNIT	PAPER NUMBER
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2609

MAIL DATE	DELIVERY MODE
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05/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/506,797

Applicant(s)

SIMELIUS, KIM

Examiner

Kenneth B. Lee

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All . b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/03/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: The applicant discloses Figure 2 depicts a step 4 on page 4, [0049]. There is no depiction of a step 4 in Figure 2. Appropriate correction is required. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 5 is rejected under 35 U.S.C. 101 as containing non-statutory subject matter.

Regarding claim 5, the applicant discloses a computer program for locking of an electronic device from an intermediate unlocked state. A computer program is non-statutory being that is not a process, machine, or composition of matter.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Oiwa et al., JP 11355432.

Regarding claim 1, Oiwa et al. disclose changing the input states of an electronic device that comprises input means and has the capability of carrying out user operations (0014). Oiwa et al. disclose that the input states compromise a locked state and an unlocked state enterable by their respective locking and unlocking inputs (0014). Oiwa et al. further discloses and intermediate unlocking state that contains a different input from the unlocking input (0016). Oiwa et al. disclose that once the intermediate unlocked state has been entered, the termination of the user operation is detected based upon a specific group of input operations, and the locked state is entered upon detection (0019).

Regarding claim 6, Oiwa et al. disclose the processing of the operation data using a plurality of computer readable mediums (0013).

Regarding claim 7, Oiwa et al. disclose a device that performs the functions of claim 1 (0010).

Regarding claim 8, Oiwa et al. disclose memory (0013).

Regarding claim 9, Oiwa et al. disclose a timer (0018).

Regarding claim 10, Oiwa et al. disclose that once the end key is pressed then a dial lock will be set (0019).

Regarding claim 11, Oiwa et al. disclose that when the momentary discharge function is selected, a timer is initiated and measures time without a key input (0018).

Regarding claim 16, Oiwa et al. disclose a timer (0018).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oiwa et al. in view of Namekawa, US Patent # 4,945,556.

Regarding claim 2, Oiwa et al. disclose a method of locking and momentary unlocking and performing user operations within these modes.

Oiwa et al. fail to disclose that the operations that can be carried out in the intermediate unlocked state are restricted to a subgroup of the user operations that can be carried out in the unlocked state.

Namekawa discloses that if the first lock code is input the mobile telephone system can be used without any limitation (Column 2, line 42-44).

Namekawa further discloses that if the second lock code is input, the mobile system then can be used with some limitations (Column 2, line 45-47).

Therefore it would have been obvious to one of ordinary skill in the art when the invention was made to incorporate Namekawa's invention into the device of Oiwa et al. These references were combined because Namekawa relates in his invention that a subgroup of user operations can be carried out in a secondary locked state while applicant states that user operations that can be carried out in the intermediate unlocked state are restricted to a subgroup of user operations that can be carried out in the unlocked state.

Regarding claim 3, Oiwa et al. disclose detection of termination of the user operations by a predetermined number of input operations by pressing the end key (0019).

Regarding claim 4, Oiwa et al. disclose detection of termination of user operation being time related (0018-0019).

Regarding claim 12, Oiwa et al. disclose a timer (0018).

Regarding claim 13, Oiwa et al. disclose the processing of the operation data using a plurality of computer readable mediums (0013).

Regarding claim 14, Oiwa et al. disclose the processing of the operation data using a plurality of computer readable mediums (0013).

Regarding claim 15, Oiwa et al. disclose the processing of the operation data using a plurality of computer readable mediums (0013).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kenagy et al. discloses a wireless communication device that includes a manual input device, a key lock memory, and a key lock processor in US Patent # 6,449,492. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Lee whose telephone number is 571-270-3147. The examiner can normally be reached on Mon. - Fri. 7:30AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



K.L.

A handwritten signature in black ink, appearing to read "Dennis-Doon Chow". The signature is fluid and cursive, with the first name "Dennis" being more prominent than the last name "Chow".

**DENNIS-DOON CHOW**  
**PRIMARY EXAMINER**